

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ADRIANA CASTILLO, §  
§  
Plaintiff, §  
§  
v. § CIVIL ACTION NO. 3:16-CV-02112-N  
§  
STATE FARM LLOYDS §  
AND TODD LAYMAN, §  
§  
Defendants. §

**JOINT RULE 26(f) REPORT**

TO THE HONORABLE COURT:

COME NOW, Plaintiff Adriana Castillo (“Plaintiff” or “Castillo”) and Defendants State Farm Lloyds (“State Farm”) and Todd Layman (“Layman”) and file this joint Rule 26(f) Report. The parties have conferred and would respectfully show:

**1a. a brief statement of the nature of the case and the contentions of the parties;**

This is a suit on a rental dwelling insurance policy. Plaintiff and her contractor presented a claim for damages to the property insured under her rental dwelling policy of insurance with State Farm, complaining of roof damage from hail and/or wind.

Plaintiff contends that State Farm failed to properly evaluate and pay the claim. Plaintiff seeks recovery under the theories of breach of contract, violations of the Texas Insurance Code, agency, and breach of the duty of good faith and fair dealing. Plaintiff also seeks attorney’s fees, statutory penalties, costs of court, and pre- and post-judgment interest.

Defendants contend that Plaintiff’s claim was properly adjusted. Defendants also contend that Plaintiff has not identified any specific wrongful conduct by Defendants, nor has Plaintiff identified any specific misrepresentations made by Defendants. Defendants contend

that Plaintiff has failed to satisfy all conditions precedent necessary to recover on her breach of contract claim. Further, Defendants contend that Plaintiff has failed to allege sufficient facts to support her extra-contractual claims. Defendants maintain they fully satisfied their obligations under the policy and the law. State Farm reserves its right to pursue appraisal and abatement.

It is Defendants' position that Todd Layman is fraudulently joined in this lawsuit for the purposes of defeating diversity jurisdiction. It is Defendants' position that the facts as set forth in Plaintiff's Petition do not give rise to any liability on the part of Layman.

**1b. the status of settlement discussions (excluding any discussion of amounts);**

The parties are currently evaluating whether they will participate in early settlement negotiations before conducting formal discovery.

**1c. possible joinder of additional parties;**

None anticipated at this time.

**1d. any anticipated challenges to jurisdiction or venue;**

None.

**1e. date by which the case will be ready for trial and estimated length of trial;**

The parties believe the case will be ready for trial on or about August 21, 2017. The parties anticipate that it will take 56 hours (7 days) to present evidence in this case. A jury demand will be made.

**1f. the desirability of ADR, and the timing for ADR; and**

The parties believe mediation to be the most effective alternative dispute resolution technique in this case. The parties intend to mediate this claim by January 31, 2017.

**1g. any objections to disclosure under Rule 26(a)(1).**

None.

Respectfully submitted,

/s/Andres Arguello\*

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**COUNSEL FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that on the 22nd day of August 2016, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and/or facsimile transmission and/or certified mail, return receipt requested:

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